REMARKS

Claims 1-35, 69-79, 88, and 89 are pending. Claims 1, 69, 88, and 89 are in independent form. Claims 36-68[1] and 80-87 have been canceled pursuant to their withdrawal from consideration, without disclaimer, and subject to applicant's right to pursue the subject matter of the canceled claims in a divisional application.

Applicant hereby affirms the provisional election of Group I, claims 1-35 and 69-79 subject to the footnote above.

Claims 1 and 69 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,738,814 to Cox et al. (hereinafter "Cox").

As best understood, the rejections of claims 1 and 69 are based on the contention that data packets inherently constitute "reductions of the original data."

Although Applicant believes that one of ordinary skill, when armed with the specification, would not have reasonably considered the recited reduction of data items to have included packetization, claims 1 and 69 have been amended to recite that the reduced data items have a smaller size and a constant

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[1] Page 3 of the Office action mailed October 4, 2007 refers to claims 36-58 and 80-87 being withdrawn from consideration, rather than claims 36-68 and 80-87 being withdrawn. Applicant believes that this is a typographical error and has acted accordingly. If this belief is in error and claims 59-68 were not, in fact, withdrawn from consideration, applicant respectfully requests that the present response be considered bona fide, a new Office action clarifying the status of the claims be issued, and an extended period for response provided.

predetermined relation with the data items and at least some of

the data items in the data collection that differ are reduced to

the same reduced data item. Such data reduction is described,

e.g., in para. [0072] of the specification. Moreover, the

recited reduced data items exclude data packets. Indeed,

packetization is understood to increase the net size of a data

item, e.g., as headers are added to packets.

Accordingly, claims 1 and 69 and the claims dependent

therefrom are not anticipated by Cox. Applicant respectfully

requests that the rejections of claims 1, 69, and the claims

dependent therefrom be withdrawn.

New claim 88 has been added to recite subject matter

related to that recited in former claim 12. Please note that

changes have been made. Former claim 12 was also rejected under

35 U.S.C. § 102(e) as anticipated by Cox.

New claim 88 recites that an additional test is carried out

on frequently occurring sections of message information.

Carrying out the additional test includes maintaining a first

list of unassigned addresses, wherein the unassigned addresses

are maintained as reduced addresses that have a smaller size and

a constant predetermined relation with the unassigned addresses

and at least some of the unassigned addresses that differ are

reduced to the same reduced address, forming a second list of

source addresses that have sent to the unassigned addresses on

said first list, wherein the source addresses are maintained as reduced addresses that have a smaller size and a constant predetermined relation with the source addresses and at least some of the source addresses that differ are reduced to the same reduced address, and comparing a current source of a frequently occurring section to said second list.

As best understood, the rejection of former claim 12 was based on the same contention as the rejection of former claim 1, namely, that "data reducing" inherently includes packetization.

Even if one of ordinary skill were to reasonably consider packetization to be a form of "data reducing" (a contention with which applicant respectfully disagrees), former claim 12 recited that unassigned addresses maintained in a first list were reduced. Applicant respectfully submits that Cox neither describes nor suggests that addresses themselves, much less a list of such addresses, be packetized.

Accordingly, claim 88 is not anticipated by Cox.

New claim 81 has been added to recite subject matter related to the recited in former claim 19. Please note that changes have been made. Former claim 19 was rejected under 35 U.S.C. § 103(a) as obvious over Cox and U.S. Patent No. 6,829,635 to Townshend (hereinafter "Townshend").

The rejections of former claim 19 and other claims under 35 U.S.C. § 103(a) are based on the contention that it would have been obvious for one of ordinary skill to have combined Cox and Townshend to have arrived at the recited subject matter.

Applicant respectfully disagrees for a variety of reasons. In this regard, Cos describes the blocking of denial of service and address spoofing attacks on a network. *See, e.g., Cox*, col. 1, line 8-10, 56-60. According to Cox, a denial of service attack is one in which an attacker attempts to prevent others from using a network and an address spoofing attack is one in which attacker fakes an internal address to get around or into standard address filtering schemes. *See, e.g., id.*, col. 2, line 59-67.

Cox describes that these attacks can be blocked by analyzing incoming data packets. *See, e.g., id.*, col. 3, line 1-3. As best understood, Cox describes three different approaches to analyzing incoming data packets, namely:

-"analyzing the incoming packet against known patterns" (*see, e.g., id.*, col. 3, line 33-43);

-determining "if the source IP address.matches an internal [IP] address" (*see, e.g., id.*, col. 3, line 33-43); and

-checking "whether or not an acknowledgment [from the requestor for a connection] has been received" (*see, e.g., id.*, col. 4, line 17-24).

Please note that Cox is silent as to the origins of the "known patterns" against which incoming packet are to be analyzed in the first approach described above.

None of Cox' approaches to analyzing incoming data packets are understood to relate to the automatic identification of common content to use in identifying an intrusive network attacks. Instead, Cox focuses on blocking attacks on a network, not on the identification of common content to use in blocking attacks.

As for Townshend, Townshend is directed to identifying bulk electronic mail. *See, e.g., Townshend*, col. 1, line 64-65. According to Townshend, bulk electronic mail is unsolicited electronic mail that is sent in large volumes and can be identified by counting the reoccurrence of signature elements in different messages. *See, e.g., Townshend*, col. 1, line 64 -col. 2, line 16. Townshend's bulk electronic mail is thus not believed to be an intrusive network attack.

The obviousness rejections of former claim 19 and other claims under 35 U.S.C. § 103(a) were based on the contention that one of ordinary skill would have combined Townshend and Cox

> "to improve how proactively the invention behaves
> and allow for better filtering of data which have
> [the] potential of causing network attacks." *See*
> *Office action mailed October 4, 2007*, page 12,
> final paragraph.

As a threshold matter, Applicant notes that this amounts to a bald contention combining Townshend and Cox would have been obvious because the combination would have been an improvement. However, there is nothing in either Townshend or Cox that supports this contention. Instead, the rejection is relying upon the improvements described in Applicant's own specification to reconstruct the claimed subject matter. Such hindsight-based reconstruction has never been an acceptable approach to establishing obviousness.

Moreover, as discussed above, even if Townshend and Cox were combined, one of ordinary skill would not have arrived at the recited subject matter. The present claims all relate to automatically identifying common content to use in identifying an intrusive network attack. Cox merely describes that his "known patterns" are "known" and Townshend relates to identifying unsolicited electronic mail that is sent in large volumes. Thus, the subject matter described in Cox and Townshend would not lead one of ordinary skill to the recited subject matter even if Cox and Townshend were combined.
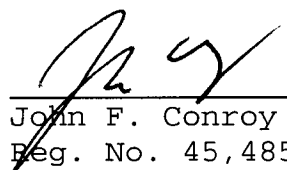
Accordingly, new claim 81 is not obvious over Cox and Townshend.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply the Petition for an Extention of Time fee, and any other charges or credits, to deposit account 06-1050.

Respectfully submitted,

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